



190 West Ostend St., #101
 Baltimore, MD 21230
 Phone: 410.547.1515
 Fax: 410.837.5436

Patrick Moran
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Cherrish Vick
 Secretary-Treasurer

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 Local 1678

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Session 2021 – AFSCME Maryland Council 3 Legislative Agenda

Collective Bargaining Rights

A Fair and Equitable Contract for Council 3 Bargaining Unit Members

AFSCME Council 3’s contract with the State expired at the end of 2020. Thankfully, in 2018 the General Assembly passed an “evergreen” law which allows the terms and conditions of our *non-economic* issues to continue. However, we will need to continue fighting our right to a contract that treats state employees with fairness, dignity and respect.

Constitutional Amendment to Create Binding Arbitration (Sen. Benson / Del. Korman)

Under present Maryland law, if there are unresolved collective bargaining disputes between the State and the exclusive representative, factfinders can be appointed to review and make *nonbinding* recommendations based on proposals submitted by labor and management. However, there is no requirement for these recommendations to be adopted. There is no process for mediation. There is no process for binding arbitration. And it is illegal for public employees to strike. This effectively puts the exclusive employee representative at the mercy of management to accept their proposed settlement.

This legislation would create a process for dispute resolution and binding arbitration, creating a more level playing field for employees and employers to bargain in good faith.

University System of Maryland Consolidated Bargaining (Sen. Kramer / Dels. Solomon, B. Barnes)

Require the Chancellor of the University System of Maryland (USM) to act on behalf of USM and its constituent institutions, rather than the institutions’ presidents under current law, for the purposes of collective bargaining. (SB09 of 2021)

Place Office of Public Defender Employees in the Merit System (Sen. Carter / Del. Henson)

Under present law, Maryland Office of Public Defender core support staff and social workers are considered “merit” employees, but frontline attorneys are considered “special appointment” employees, making their employment “at will” and denying them many of the basic rights and opportunities provided to merit-based state employees. This legislation would remove the special appointments status of OPD attorneys and place them within the state’s merit-based system.

New Employee Orientation Reform (Sen. Zucker / Del. Bridges)

While Maryland State Personnel & Pensions Code § 3-307 set out guidelines for exclusive bargaining unit representative engagement with new employees, the novel coronavirus pandemic has exposed holes in the process which puts an unfair burden on the exclusive representative and undermines the spirit and intent of the original legislation. This bill addresses these failings.

Maryland Environmental Service Reform (Sen. McCray / Del. Korman)

The Maryland Environmental Service (MES) is a quasi-public state agency that lacks many of the employee protections and benefits available to regular state employees. Legislation enacted in 2018 sought to address these issues; however, technical deficiencies in the language of the legislation has raised concerns about employer-employee oversight and adjudication. While MES itself may undergo institution-wide reform due to recent agency scandal, at a minimum clarity needs to be implemented for the welfare of MES employees.

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Safe Workplaces

The Maryland Essential Workers Protection Act (Sen. Augustine / Del. D. Davis)

MEWPA will provide much-needed standards and procedures that aim to protect the health and safety of essential workers during pandemics. This coalition-backed legislation applies to both public and private sector employees. Protections found within the legislation include:

- Safe & Hygienic Working Conditions
- Hazard Pay & Healthcare Assistance
- Emergency Action Plans
- Universal Health & Bereavement Leave
- Right to Refuse Dangerous Work
- Free Testing and Reporting of Positive Test Results

Mandatory Injury and Illness Prevention Programs (Sen. Feldman / Del. Pena-Melnyk)

This legislation would require public sector and higher education employers to create Injury and Illness Prevention Programs. IIPPs are a proactive process that require employees, in consultation with their employees and their unions, to find and fix workplace hazards before they can lead to injury and illness.

Mold Hazards, Mold & Moisture Problems in Higher Education Facilities (Dels. Solomon / Lehman)

Requires the Department of the Environment to adopt regulations to require periodic inspections for the presence of mold hazards and mold or moisture problems in each occupied higher education facility in the State; authorizes the Department of the Environment, in consultation with the Maryland Higher Education Commission, to grant a waiver from certain inspection requirements; requires an annual report to the Governor and the General Assembly on the findings of the inspections.

Telework Policy Reform (Del. Krimm)

The onset of the COVID-19 pandemic has exposed the positives, and negatives, of telework. Many AFSCME members have thrived with the ability to telework, while others have been challenged by equipment needs, broadband access, childcare access and work schedule restrictions. AFSCME looks to enshrine the right to telework into state law, and add requirements on management of telework, training, equipment access, and performance measurement.

Aerosol Transmissible Disease and Emergency COVID-19 Standard (Del. Valderrama)

Requires MOSH to adopt standards to protect employees from aerosol transmissible diseases like the COVID-19 virus. This emergency legislation also requires the Department of Labor to establish and post a temporary COVID-19 standard for employers to follow.

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Coalition Legislation

State Revenue Enhancements

AFSCME Council 3 belongs to the Fair Funding Coalition, a group of organizations banded together to close corporate loopholes, remove special interest tax breaks, and bring more progressivity to our income tax structure. Enhancing state revenues in a fair equitable manner will enable the state to address sorely needed problems such as public sector staffing shortages, state government program resourcing, and education quality enhancement.

Presumption of Line-of-Duty Benefits Eligibility with COVID-19 + Diagnosis (Sen. Elfreth / Del. Jackson)

States are taking action to extend retirement and disability “line-of-duty” benefits to include first responders and health care workers impacted by COVID-19. A common approach is to amend state policy so that COVID-19 infections in certain workers are presumed to be work-related and therefore covered. This presumption places the burden on the employer to prove that the infection was not work-related making it easier for those workers to file successful claims.

Opposing A Federal Constitutional Convention

AFSCME Council 3 opposes calling for an Article V Constitutional Convention of the States. The lack of a defined process, fair and equal representation and ability to limit the agenda considered make this possibility a potential Pandora’s box of nightmares.

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